

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

TIMOTHY R. BROWN,)	
)	
Plaintiff,)	Case No.
)	
vs.)	
)	
DOUGLAS JERMAINE TURNER, and)	
SMITH PACKAGE, LLC,)	
d/b/a SMITH TRANSPORTATION,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COMES NOW Defendant, Smith Package, LLC (hereinafter Defendant), by and through its attorneys, Roberts Perryman, P.C., and hereby files its Notice of Removal stating the following:

INTRODUCTION

1. A civil action has been commenced and is now pending in the Circuit Court of the of the Second Judicial Circuit, White County, Illinois, Case No. 2022-LA-00006, wherein Timothy R. Brown is the Plaintiff and Smith Package, LLC and Douglas Jermaine Turner are Defendants.

2. This action is a civil action wherein Plaintiff made claims for damages as a result of Defendants' alleged negligence in connection with a tractor trailer motor vehicle accident that occurred on April 14, 2022.

3. Defendant Smith Package, LLC is a Missouri limited liability corporation with its principal place of business in Charleston, Missouri.

4. Defendant Douglas J. Turner is and was a Missouri citizen. To Defendant's knowledge, Defendant Douglas J. Turner has not been served with Plaintiff's Complaint, but Turner consents to this removal.

5. Defendant received a copy of Plaintiff's Complaint on September 15, 2022 and consented to waiving formal service.

DIVERSITY OF CITIZENSHIP EXISTS

6. This action is a civil action, of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, and this is a civil action proceeding involving diversity of citizenship.

7. Plaintiff Timothy R. Brown is citizen of Illinois.

8. Defendant Smith Package, LLC is a Missouri limited liability company with its principal place of business in Missouri. Its sole member is a citizen of Missouri.

9. Defendant Douglas J. Turner is a citizen of Missouri.

THE AMOUNT IN CONTROVERSY HAS BEEN SATISFIED

10. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Plaintiff is claiming serious injuries to his entire body and has incurred medical expenses over \$100,000.00 and will in the future incur medical expenses. Said medical expenses include an Air Evac Lifeteam Airlift from the accident scene followed by and extended hospital stay at Deaconess Health System. The bill for the airlift was \$55,925.00 and the bill from Deaconess Health System was \$54,246.00 with continuing medical treatment and bills. Plaintiff also claims lost wages, future disability, past and future pain and suffering, as well as past and future emotional distress.

NOTICE OF REMOVAL IS TIMELY

11. Less than thirty (30) days have elapsed since receipt of said initial pleadings by Defendant.

12. Defendant files herewith a copy of all process, pleadings, and order it has in this action. See Exhibit A.

WHEREFORE Defendant Smith Package, LLC prays the Court to accept its Notice for Removal and make and enter such orders as may be necessary for the complete removal of this action from the Circuit Court of the of the Second Judicial Circuit, White County, Illinois to the United States District Court for the Southern District of Illinois, and that further proceedings be discontinued in the State Court and all future proceedings be held in this Court, as the laws in such case provide.

Respectfully submitted,

ROBERTS PERRYMAN P.C.

/s/ Ted L. Perryman

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Attorneys for Defendant Smith Package, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that on this 4th day of October 2022, copies of the foregoing were served on the following counsel of record via the Court's ECF filing system:

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/s/ Ted L. Perryman